

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 01-CR-179

-vs-

ANTHONY ROBINSON,

Defendant.

DECISION AND ORDER

Anthony Robinson (“Robinson”) moves for a reduction in his sentence pursuant to 18 U.S.C. § 3582(c)(2). On March 15, 2002, the Court sentenced Robinson to 168 months imprisonment for attempting to distribute cocaine base (“crack”). Robinson’s guideline range was reduced by Amendment 706, which lowered the base offense levels applicable to crack offenses. Robinson’s base offense level is now 32, and his final offense level is 31, resulting in a sentencing range of 135-168 months. Before the amendment, Robinson’s range was 168-210 months.

The Court “may reduce the term of imprisonment, after considering the factors set forth in [18 U.S.C.] section 3553(a) to the extent that they are applicable, if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission.” § 3582(c)(2). *See also United States v. Vautier*, 144 F.3d 756, 760 (11th Cir. 1998) (“grant of authority to the district court to reduce a term of imprisonment is unambiguously discretionary”).

Robinson committed the instant offense while on probation for a previous conviction for possession with the intent to deliver cocaine. Robinson intentionally crashed into a police squad car, abandoned his vehicle, and fled the arresting agents on foot. However, the Court took those factors into account at the original sentence and sentenced Robinson to the low end of the guideline range. In support of the instant motion, Robinson states that he received training as a cook and earned his G.E.D. while in prison. *See* U.S.S.G., § 1B1.10, Application Note 1(B)(iii) (“court may consider post-sentencing conduct of the defendant that occurred after the imposition of the original term of imprisonment”). Therefore, considering the factors set forth in § 3553(a) (including the nature and circumstances of the offense, the history and characteristics of the defendant, and the need to protect the public from further crimes of the defendant), the Court will again sentence Robinson to the low end of the new guideline range which is 135 months.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT Robinson’s motion to reduce his sentence [D. 51] **is GRANTED.** Robinson is sentenced to 135 months.

Dated at Milwaukee, Wisconsin, this 24th day of March, 2009.

SO ORDERED,

s/ Rudolph T. Randa
HON. RUDOLPH T. RANDA
Chief Judge